

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Mattias JOHANSSON) Group Art Unit: 3656
Application No.: 10/587,154) Examiner: V. Loung
Filed: May 1, 2007) Confirmation No.: 4974
For: PEDAL ASSEMBLY HAVING A)
SAFETY DEVICE)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONTINGENT PETITION TO REVIVE FOR UNINTENTIONAL ABANDONMENT

Sir:

To the extent that the present application is considered to have been abandoned prior to the full 6-month statutory period for reply to the Final Office Action, Applicant hereby petitions the Office under 37 C.F.R. § 1.137(b) to revive the above-identified application for the purpose of copendency.

The Office issued a Final Office Action in this case on March 24, 2009. The shortened statutory period for reply was set to expire 3 months from the mailing date of the Final Office Action, i.e., June 24, 2009. Extensions of time for reply were available under 37 C.F.R. § 1.136(a)—making the maximum period for reply 6 months from the mailing date of the Final Office Action, i.e., September 24, 2009.

On September 24, 2009, Applicant filed a Petition for Extension of Time under 37 C.F.R. § 1.136(a) requesting a 3-month extension along with the requisite fee of \$1,110.00. The Petition properly identified the application number as 10/587,154. A copy of the Petition is attached as Exhibit 1.

The Petition and the fee, however, were filed via the Office's electronic filing system in application number 12/565,788, which is a continuation-in-part of the present application. A copy of the Electronic Acknowledgement Receipt confirming the submission is attached as Exhibit 2.

The CIP '788 application was filed on September 24, 2009.

To the extent that the present application is considered to have been abandoned prior to the full 6-month statutory period for reply to the Final Office Action due to the misfiling indicated above, Applicant respectfully requests that the Office revive the present application for the purpose of maintaining copendency between the present application and the CIP '788 application.

The original extension-of-time fee has since been refunded to the law firm that filed the extension-of-time petition. Therefore, the extension-of-time fee in the amount of \$1110.00 is being resubmitted by credit card concurrently with the filing of this Contingent Petition.

In case it is necessary, a new Petition for Extension of Time Under 37 C.F.R. § 1.136(a) is also being concurrently filed herewith.

Finally, to the extent the Office deems it necessary in order to grant the relief requested in this paper, Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Additionally, the Office is hereby authorized to charge the petition fee of \$1,620.00, if required under 37 C.F.R. § 1.17(m), to Deposit Account No. 50-4627.

If the Office has any questions concerning this Contingent Petition or the application in general, the Office is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

PHAN LAW GROUP PLLC

Date: December 10, 2009

By:


Nhat D. Phan
Registration No. 39,581

P.O. Box 748
Alexandria, VA 22313-0748
(703) 706-0420

EXHIBIT 1

In re Patent Application of

Mattias JOHANSSON

Application No. 10/587,154

Filed: May 1, 2007

For: PEDAL ASSEMBLY HAVING A SAFETY DEVICE

MAIL STOP AMENDMENT

Group Art Unit: 3656

Examiner: Luong, Vinh T.

Confirmation: 4974

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a)

Mail Stop AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a request under the provisions of 37 C.F.R. 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows: (check time period desired and enter the appropriate fee below):

(Check)	Extension Requested	Fee	Small Entity Fee	
	One month (37 CFR 1.17(a)(1))	\$130	\$65	
	Two months (37 CFR 1.17(a)(2))	\$490	\$245	
<input checked="" type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$1110.00
	Four months (37 CFR 1.17(a)(4))	\$1730	\$865	
	Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	
	Second month	\$360	\$180	
	Second and third months	\$980	\$490	
	Second, third, and fourth months	\$1600	\$800	
	Second, third, fourth, and fifth months	\$2220	\$1110	
	Third month	\$620	\$310	
	Third and fourth month	\$1240	\$620	
	Third, fourth, and fifth month	\$1860	\$930	
	Fourth month	\$620	\$310	
	Fourth and fifth month	\$1240	\$620	
	Fifth month	\$620	\$310	

Applicant claims small entity status.

A check in the amount of the fee is enclosed.

Payment by credit card. Payment made electronically through EFS.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account 503015.

In any concurrent or future reply that requires a petition for extension of time under 37 C.F.R. 1.136(a) to be timely, the applicant requests by the present petition be treated as a petition for extension of time, and authorizes all required fees, fees under 37 C.F.R. 1.17, or all required extension of time fees to be charged to Deposit Account 503015.

1217 King Street
Alexandria, VA 22314
(703) 299-0953

Respectfully submitted,

WRB-IP LLP

Date: September 24, 2009

By: /Harold R. Brown III/

Harold R. Brown III

Registration No. 36,341

EXHIBIT 2

Electronic Acknowledgement Receipt

EFS ID:	6134606
Application Number:	12565788
International Application Number:	
Confirmation Number:	1183
Title of Invention:	PEDAL ASSEMBLY HAVING A SAFETY DEVICE
First Named Inventor/Applicant Name:	Mattias Johansson
Customer Number:	44012
Filer:	Harold R. Brown III
Filer Authorized By:	
Attorney Docket Number:	000014-028
Receipt Date:	24-SEP-2009
Filing Date:	
Time Stamp:	08:47:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1110
RAM confirmation Number	9411
Deposit Account	503015
Authorized User	BROWN,HAROLD R

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	09-09-24EOT.pdf	134401 e240fc969683785698b01857ba23a201473 91966	no	1

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30099 7f83fdc158a9d9a120df540c42dcf30c27c42 f26	no	2
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Warnings:

Information:

Total Files Size (in bytes):	164500
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.